

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Office of General Counsel

Date: September 6, 2007

From: Enforcement Division

Subject: Field Citation Compliance Certification
Fred E. Kubitz, Jr.
(Public water supply operator)
Docket No. 2007-1158-WOC-E, RN103518668

Regarding the enforcement action listed above, the penalties have been paid and corrective actions have been verified complete by the Field Operations Division.

If there are any questions, please contact David Van Soest of my staff at 239-0468.



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)

FIELD CITATION

Field Citation No.

00908

REGION WACO (9)Investigation Date: 05/08/07 Time: 3:49 ☐ AM ☒ PMInvestigators Name: JOSEPH ANTONIO Investigators Signature: [Signature] Docket No.: 2007-1158-WC-E Investigation No.: 559900

Respondent: <u>FREDE KUBITZA JR</u>	CN No. <u>602038622</u>
Regulated Entity: <u>FREDE KUBITZA JR</u>	RN No. <u>103518668</u>
Physical Address: <u>4314 ELK RD, WACO</u> County: <u>MCGRAW</u>	Additional ID No. <u>NA</u>

An investigation was conducted at the regulated entity named above. The following violation(s), with a checked box and assessed penalty, are alleged against the respondent named above:

ALLEGED VIOLATION	30 TEX. ADMIN. CODE (TAC) RULE	ASSESSED PENALTY			
		MAJOR		MINOR	
Failure to provide release detection	30 TAC §334.50(b)(1)(A)	<input type="checkbox"/>	\$3,500	<input type="checkbox"/>	\$1,750
Failure to provide corrosion protection	30 TAC §334.49(a)(1)	<input type="checkbox"/>	\$3,500	<input type="checkbox"/>	\$1,750
Failure to implement inventory control methods	30 TAC §334.50(d)(1)(B)	<input type="checkbox"/>	\$3,500	<input type="checkbox"/>	\$1,750
Failure to provide spill containment and overfill prevention	30 TAC §334.51(b)(2)	<input type="checkbox"/>	\$3,500	<input type="checkbox"/>	\$1,750
Failure to possess a valid TCEQ Delivery Certificate prior to receiving fuel	30 TAC §334.8(c)(5)(A)(i)	<input type="checkbox"/>		<input type="checkbox"/>	\$875
Failure to have Stage I vapor recovery equipment	30 TAC §115.221	<input type="checkbox"/>	\$1,750	<input type="checkbox"/>	\$875
Failure to have Stage II vapor recovery equipment	30 TAC §115.241	<input type="checkbox"/>	\$1,750	<input type="checkbox"/>	\$875
Failure to obtain a Multi-Sector General Permit (stormwater)	30 TAC §281.25(a)(4)	<input type="checkbox"/>		<input type="checkbox"/>	\$875
Failure to obtain a required occupational license (Program: <u>PWS</u>)	30 TAC §30.5(a)	<input type="checkbox"/>		<input checked="" type="checkbox"/>	\$210
Investigator Comments: (including corrective action)		TOTAL ASSESSED PENALTY: \$			
Additional violation(s) noted: <input type="checkbox"/> Yes <input type="checkbox"/> No					

IF YOU CHOOSE TO SETTLE the alleged violation(s) within **30 days** from the investigation date noted above, please submit this form with the Authorized Representatives original signature AND check or money order for the total assessed penalty to the address below. Be sure and include BOTH the Regulated Entity Name AND Field Citation No. noted above on your payment method.

Financial Administration Division, MC 214
Texas Commission on Environmental Quality
PO Box 13088
Austin, Texas 78711-3088

Certification of completed corrective action for each alleged violation must be submitted to the address circled on the back of this form, within **60 days** from the investigation date. Your signature below and penalty payment within 30 days from the investigation date indicates that you will correct the alleged violation(s). Failure to provide documentation of completed corrective action within the specified time frame may result in additional penalties.

The respondent named above generally denies the alleged violation(s) with an assessed penalty above. Payment of the penalty is made only in the interest of settlement.

As an Authorized Representative, I understand that by signing this citation and agreeing to pay the administrative penalty, I waive certain procedural rights, including the right to formal notice of violation(s) alleged in this citation, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal.

[Signature] X FREDE KUBITZA JR X 8-17-07
Authorized Representative Signature Printed Name Title Date

For the Commission

Date

IF YOU CHOOSE TO CONTEST the alleged violation(s) in this citation, notify the investigator named above. The alleged violation(s) above will be referred to the TCEQ's Enforcement Division. Please be aware this Field Citation total assessed penalty amount will no longer be available.

FAILURE TO RESPOND TO THIS CITATION: If you fail to pay the assessed penalty, the TCEQ Enforcement Division will pursue further enforcement action including assessment of increased administrative penalties. Financial inability to pay the penalty does not excuse failure to respond to and correct the alleged violation(s).

☒ Water (CWTR) ☐ Waste/Multimedia (CWST) ☐ Air (CAIR) ☐ Dry Cleaner (CDRY)

TCO
FIELD OPERATIONS

AUG 20 2007

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